

### REMARKS

Reconsideration of this application in view of the remarks herein is respectfully requested.

#### Priority

The Office Action indicated that it “does not appear that the instant application is the product of an examiner-initiated restriction requirement.” Applicant respectfully disagrees.

In a Restriction Requirement mailed on December 14, 2001, for Application Serial No. 09/448,835 (now U.S. Patent No. 6,958,053), the Examiner restricted then-pending Claims 13-25, “drawn to an injector and syringe system.” In response to the Restriction Requirement filed on January 18, 2002, Applicant elected “injector” Claims 29-36 for prosecution on the merits. The parent ‘053 patent issued with a number of “injector” claims. The instant application was filed with the restricted “injector and syringe system” claims. Consequently, Applicant submits that the parent ‘053 patent cannot be the basis for a double patenting rejection of the instant application.

#### Double Patenting

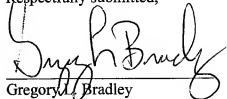
The Office Action rejected Claims 1-20 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-10, 17-22 and 24-40 of U.S. Patent No. 6,958,053 (“the parent ‘053 patent”) in view of U.S. Patent No. 5,383,858. This rejection is respectfully traversed.

For the reasons provided above, the instant application contains claims directed to the claimed “injector and syringe system” invention that was restricted from the parent ‘053 patent in a Restriction Requirement mailed on December 4, 2001. Thus, the parent ‘053 patent cannot be the basis for a double patenting rejection of the instant application.

Appl. Serial No.: 10/619,137  
Art Unit: 3767

Consequently, Applicant requests that the double patenting rejection be withdrawn and Claims 1-20 be allowed.

Respectfully submitted,



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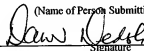
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I hereby certify that this correspondence is being submitted electronically to the  
United States Patent and Trademark Office on February 12, 2007.

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(Name of Person Submitting Paper)



Signature